

good faith of the entity generally will be imputed to the taxpayer that has the understatement. Any good faith imputed to the taxpayer under the preceding sentence, however, may be refuted by other factors indicating lack of good faith on the part of the taxpayer.

(c) *Automatic waiver; qualified amended returns*—(1) *In general.* If the taxpayer shows an additional amount of tax or makes adequate disclosure with respect to an item in the manner prescribed in § 1.6661-4 on a qualified amended return, the Commissioner will waive any penalty that would not have been imposed if the additional amount of tax had been shown or the adequate disclosure had been made on the return of the taxpayer. Thus, the entire penalty will be waived if there would not have been a substantial understatement (as defined in paragraph (b) of § 1.6661-2) had the taxpayer shown the additional amount of tax or made the adequate disclosure on the taxpayer's original return.

(2) *Qualified amended return.* For purposes of this paragraph, a "qualified amended return" is an amended return, so-called, or a timely request for an administrative adjustment under section 6227, filed after the due date of the return and before the earlier of—

(i) The time the taxpayer is first contacted by the Internal Revenue Service concerning an examination of the return; or

(ii) The time any person described in section 6700(a) (relating to the penalty for promoting abusive tax shelters) is first contacted by the Internal Revenue Service concerning an examination of an activity described in section 6700(a) with respect to which the taxpayer claimed any tax benefit on the return directly or indirectly through the entity, plan, or arrangement described in section 6700(a)(1)(A).

(3) *Pass-through entities.* For purposes of paragraph (c)(1) of this section, no account is taken of an additional amount of tax shown or disclosure made with respect to an item attributable to a pass-through entity (as defined in § 1.6661-4(e)), unless the qualified amended return is filed by the taxpayer before the date such pass-through entity is first contacted by the Internal Revenue Service concerning an examination of the return of which the item is attributable.

(4) *Special rule.* The Commissioner may by revenue procedure prescribe the manner in which this section may apply to particular classes of taxpayers.

OMB Control Numbers Under the Paperwork Reduction Act

PART 602—[AMENDED]

§ 602.101 [Amended]

Par. 2. Section 602.101(c) is amended by inserting in the appropriate place in the table "§ 1.6661-4. . . 1545-0739".

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 19, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85-7169 Filed 3-22-85; 1:40 pm]

BILLING CODE 4830-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 18 of the Domestic Mail Manual (DMM), which is incorporated by reference in the Federal Register, 39 CFR 111.1.

Most of the revisions are minor, editorial or clarifying. Substantive changes, such as the revised regulations incorporating the new rates and fees and the changes affecting forwarding and return and address correction services, have previously been published in the Federal Register.

EFFECTIVE DATE: February 21, 1985.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the Federal Register (see 39 CFR 111.1) has been amended by the publication of a transmittal letter for issue 18, dated February 21, 1985. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 18 covers the minor changes not previously described

in interim or final rules published in the Federal Register.

Note.—Issue 18 contains all DMM revisions published between December 27, 1984, and February 21, 1985 (Postal Bulletins 21491 through 21502), and the new rates which were announced in Special Bulletin 21493 (1-9-85, revised 2-1-85). The rates announced in Special Bulletin 21493 became effective at 12:01 a.m. February 17, 1985.

Summary of Changes.

Major Revisions.

a. New Rates and Fees.

b. Forwarding and Return.

Other Revisions.

1. * * *

2. The Government Revenue and Examination Branch is now the Official Mail Accounting Branch (PB 21496, 1-17-85). This change is reflected in the following sections: 137.152, 137.22, 137.251, 137.252, 137.271b(3), 137.272a(2)(a), 137.273b, 137.274a(1), 137.274b, 137.275c, 137.276f, 137.276g(1)(b), 137.277c, 137.281.

3. Section 137.252 is revised to reflect the correct sampling number (105) for the Cooperative Extension Service—Agriculture; to add the National Institute of Health to the agency authorization codes; and to add permit number G-292 to the National Technical Information Service—Commerce (PB 21496, 1-17-85).

4. The following sections are further revised to incorporate the new rates effective February 17, 1985: 141.13, 141.3, 141.4, 142.111, 145.21, 147.262d, 147.28a(2), 149.23, 149.312a(2), 149.412a(2), 159.312, 215.

5. Sections 144.112c and 144.41b are amended to allow the use of facing identification marks (FIM) and bar coding on metered reply mail and to include an example of the Postalia official mail meter stamp (PB 21499, 2-7-85).

6. Section 147.1 is changed to allow exchange of postage stamps which are damaged or become unusable while in the hands of customers (PB 21500, 2-14-85).

7. Section 156.515 is revised to update the list of manufacturers and suppliers of rural mailboxes whose samples have been approved by the Postal Service (PB 21498, 1-31-85).

8. Section 156.55 is revised to reflect Postal Service policy that no longer encourages grouping of rural mailboxes (PB 21497, 1-24-85).

9. Sections 159, 912, 913, 914 and 931 are revised: (1) To clarify existing procedures for the return of registered, certified, numbered insured, COD and Express Mail; (2) to establish revised

verification steps for the acceptance of COD and insured mailings; and (3) to make explicit the minimum size for registered mail. The changes are reflected in the following sections: 159.334, 912.45, 913.56, 913.62d, 913.71, 913.81, 913.82, 914.434, 931.34, and 931.6 (PB 21500, 2-14-85).

10. The dead letter and dead mail fee has been eliminated. This change is reflected in: the deletion of 159.53b and 159.554; renumbering of 159.53c,d,e and f as 159.53b,c,d and e; the deletion of the dead letter fee reference in 159.53e(1) and 159.542b; and renumbering 159.555 as 159.554 (Special Bulletin 21493, 1-9-85 and 2-1-85).

11. Sections 262.1 and 263.5 are revised to reflect changes in the Express Mail preparation and mailing requirements (PB 21496, 1-17-85).

12. A second-class intra-SCF, per-piece rate has been added to 411.2 and 411.33-411.37. The sections added are: 411.213, 411.333, 411.343, 411.354, 411.364, 411.374 (Special Bulletin 21493, 1-9-85 and 2-1-85).

13. Section 411.39 is added to clarify the second-class rate for commingled nonsubscriber copies of limited circulation science of agricultural publications (Special Bulletin 21493, 1-9-85 and 2-1-85).

14. Section 468.12c is revised to add presorted optional city packages to which the intra-SCF rate may be applied (PB 21500, 2-14-85).

15. Section 471 is revised to clarify the rate paid by the general public for second-class mailings (Special Bulletin 21493, 1-9-85 and 2-1-85).

16. Section 481 is revised to clarify second-class payment methods when payment is made before second-class mailings are dispatched (Special Bulletin 21493, 1-9-85 and 2-1-85).

17. Section 483 was inadvertently omitted in DMM Issue 17; it is reinserted (PB 21498, 1-31-85).

18. Section 486 is revised to clarify the special preparation requirements or options for pieces mailed at the second-class, intra-SCF rate. Section 468.12c is added along with documentation requirements in 468.13a-c (Special Bulletin 21493, 1-9-85 and 2-1-85).

19. Section 611.12 is amended to clarify exceptions to single piece third-class rates (Special Bulletin 21493, 1-9-85 and 2-1-85).

20. Exhibits 611.2c and d are added to illustrate regular rates and special rates for individually metered mail (Special Bulletin 21493, 1-9-85 and 2-1-85).

21. Section 681.221 is revised to allow mailers to use three postage payment methods for metered third-class bulk (PB 21499, 2-7-85).

22. Section 722.21 is revised to clarify the requirements for bulk parcel post mailings (Special Bulletin 21493, 1-9-85 and 2-1-85).

23. Section 763 is added to establish eligibility requirements for the carrier route bound printed matter rates (Special Bulletin 21493, 1-9-85 and 2-1-85).

24. Section 767.1 is revised to clarify the markings required in the preparation of bound printed matter (Special Bulletin 21493, 1-9-85 and 2-1-85).

25. Section 767.8 is added to establish preparation requirements for the carrier route bound printed matter rate (Special Bulletin 21493, 1-9-85 and 2-1-85).

26. Sections 911.12 and 912.2 are revised to clarify what mail may be registered and certified (Special Bulletin 21493, 1-9-85 and 2-1-85).

27. Section 914.5 is revised to clarify the procedures for delivery of COD mail (Special Bulletin 21493, 1-9-85 and 2-1-85).

28. Section 918 was inadvertently omitted in DMM Issue 17; it is reinserted (PB 21498, 1-31-85).

29. Section 931.2 is revised to reflect the new fee for certificates of mailing and firm mailing books (Special Bulletin 21493, 1-9-85 and 2-1-85).

30. Section 931.33 has been merged into 931.21b (Special Bulletin 21493, 1-9-85 and 2-1-85).

31. Section 941.4 and 941.5 are revised to reflect the new money order inquiry fee and revised Form 6401, *Domestic Money Order Inquiry*. Section 941.16 is deleted (PB 21499, 2-7-85).

32. Section 941.42 is revised to reflect the new rate to be charged customers filing a money order inquiry, the new Form 6401, and to clarify the procedures for processing inquiries (PB 21499, 2-7-85).

33. Section 945.37 is revised to insert the new rate for sequencing address cards and to clarify charges for rural route address changes (Special Bulletin 21493, 1-9-85 and 2-1-85).

34. Section 945.5 is revised to clarify the mailer's responsibility to code mailing lists using Publication 65, *National Five-Digit Post Office and ZIP Code Directory*, and to insert the new charge for sorting mailing lists (Special Bulletin 21493, 1-9-85 and 2-1-85).

35. Minor editorial and typographical changes have been made to 119.32, Exhibit 122.63f, 141.232, 145.1, 146.222c(2), 321.1, 361.3, 426.11b, 462.24b(2), 462.3b, 621.1b, 661.2, 667.311b(2), 721.1c, 761.11, 913.43a, b; 913.441a, b; 913.442, 913.461, 913.51, 914.132, 914.174, 915.5, 916.3, 919.421d, 919.522d, 919.912b, c; 941.133, 941.5, 944.241, and 951.262.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

Trans- mittal Letter for Issue	Dated	FEDERAL REGISTER PUBLICATION
18	Feb. 21, 1985	50 FR 12019

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 3001-3011, 3201-3218, 3403-3405, 3601, 3621; 42 U.S.C. 1973cc-13, 1973cc-14)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 85-7179 Filed 3-26-85; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 8560

Wilderness Areas; Withdrawal of 43 CFR 8560.4-6(j)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of withdrawal of 43 CFR 8560.4-6(j).

SUMMARY: A final rulemaking establishing procedures for the administration of wilderness areas on public lands under the jurisdiction of the Bureau of Land Management and designated by the Congress as part of the National Wilderness Preservation system was published in the *Federal Register* of February 25, 1985 (50 FR 7704). The final rulemaking, except for § 8560.4-6(j), will be effective on March 27, 1985. Notice is hereby given of the withdrawal of § 8560.4-6(j) of that final rulemaking.

EFFECTIVE DATE: The final rulemaking on 43 CFR Part 8560, except for § 8560.4-6(j) which is hereby withdrawn, shall be effective on March 27, 1985. Section 8560.4-6(j) is withdrawn as of March 27, 1985.

ADDRESS: Any inquiries or suggestions should be submitted to: Director (140), Bureau of Land Management, Main Interior Bldg., Room 5555, 1800 C Street, NW., Washington, D.C. 20240

FOR FURTHER INFORMATION CONTACT:

David E. Porter, (202) 343-6064.

SUPPLEMENTARY INFORMATION: After the publication of the final rulemaking providing procedures for the administration of wilderness areas on public lands under the jurisdiction of the Bureau of Land Management and designated by the Congress as part of the National Wilderness Preservation System in the Federal Register of February 25, 1985 (50 FR 7704), the Department of the Interior decided to withdraw § 8560.4-6(j) of that final rulemaking. This action will mean that mining claims within designated wilderness areas will be managed under the Bureau of Land Management's Wilderness Management Policy published in September 1981. The withdrawal of this section will provide the Department with additional time to thoroughly review how it will meet its Congressionally mandated dual responsibility of guaranteeing the preservation of wilderness areas, as well as ensuring the recognition of valid existing rights that might exist in those wilderness areas.

Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and the Wilderness Act of 1964 (16 U.S.C. 1131), Subchapter H, Chapter II, Title 43 of the Code of Federal Regulations is amended by removing and reserving § 8560.4-6(j).

J. Steven Griles,

Deputy Assistant Secretary of the Interior,
March 22, 1985.

[FR Doc. 85-7236 Filed 3-26-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2, 22, 74 and 90**

(Gen. Docket No. 83-45; RM-3910; RM-3924; FCC 84-509)

Frequency Allocation to the Offshore Radio Service**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: The Federal Communications Commission amends Parts 2, 22, 74 and 90 of its Rules to reallocate television Channels 15 and 16 in the Gulf of Mexico to the Offshore Radio Service (ORS) and to allow the authorization of interstitial frequencies for ORS use in the existing ORS allocation at television Channel 17. This action is taken to ORS to expand into new areas of the Gulf of Mexico as well as relieve frequency

congestion in the existing ORS Channel 17 allocation.

EFFECTIVE DATE: April 26, 1985.**FOR FURTHER INFORMATION CONTACT:**

Mr. Fred Thomas, Office of Science and Technology, 2025 "M" Street, NW., Washington, D.C. 20554, (202) 653-8162.

SUPPLEMENTARY INFORMATION:**List of Subjects****47 CFR Part 2**

Frequency allocations.

47 CFR Part 22

Offshore radio service.

47 CFR Part 74

Television.

47 CFR Part 90

Authorization in the Band 470-512 (UHF-Sharing), Radio.

Report and Order

In the matter of amendment of Parts 2, 22, 74 and 90 of the Commission's rules to provide additional Channels for the Offshore Radio Service, Gen. Docket No. 83-45, RM-3910, RM-3924.

Adopted: October 26, 1984.

Released: March 20, 1985.

By the Commission: Commissioner Quello concurring and issuing a statement; Commissioner Rivera dissenting and issuing a statement at a later date.

Introduction

1. This proceeding is in response to two petitions, RM-3910 and RM-3924, filed by the Offshore Telephone Company (OTC). In its first petition, RM-3910 filed June 10, 1981, OTC requested that the Commission amend its rules governing the Offshore Radio Service (ORS), previously the Offshore Radio Telecommunication Service,¹ to allow common carrier operators to use interstitial frequencies within the existing ORS allocation at 488-494 MHz (UHF television Channel 17). Interstitial frequencies are channels offset in frequency by one-half channel from the normal voice channels. In its second petition, RM-3924 filed June 15, 1981, OTC requested that the Commission amend its rules to reallocate UHF television Channels 15 and 16 in the Louisiana-Texas Gulf Coast Area for ORS use. In response to the petitions, the Commission adopted a Notice of Proposed Rule Making (Notice) combining the two petitions into the

instant proceeding, General Docket No. 83-45.²

2. Comments in response to the Notice were filed by OTC, the Association of Maximum Service Telecasters, Inc. (AMST), the Central Committee on Telecommunications of the American Petroleum Institute (API), the County of Los Angeles (LA County) and the General Electric Company (GE). Reply comments were filed by AMST, API and OTC. Additional comments were filed by API on October 5, 1983 and a reply to API's additional comments was filed by AMST.

Background

3. In August of 1976, the Commission adopted a Report and Order in Docket 20368 establishing the ORS common carrier service.³ ORS was designed to meet the growing radio communications needs of petrochemical companies operating in the Outer Continental Shelf region of the southern Louisiana Gulf Coast (Zone A).⁴

4. The rules adopted in Docket 20368 also amended the Table of Frequency Allocations, § 2.106, of the FCC Rules by adding footnote NG114. This footnote reallocated UHF-TV Channel 17 frequencies (488-494 MHz) to the Domestic Public and Private Land Mobile Radio Services in the offshore Louisiana Gulf Coast areas.⁵ Four megahertz of this spectrum was assigned for ORS use pursuant to § 22.1001 of the Rules and the remaining two megahertz was assigned to the Private Land Mobile Radio Services for use pursuant to § 90.315 of the FCC Rules.

Notice

5. In the Notice, we proposed to reallocate UHF television Channels 15 and 16 in the Gulf of Mexico to meet the present and future ORS radio Communications requirements. These requirements have significantly increased as new areas in the Gulf, which are outside the geographical

¹ The Notice of Proposed Rule Making in Gen. Docket No. 83-45 was adopted on January 27, 1983, and released on February 22, 1983, by the Commission (FCC 83-35, 48 FR 11957, March 22, 1983).

² Report and Order, Docket No. 20368, 41 FR 33893 (August 11, 1976).

³ This service is authorized in the area, herein after Zone A, bounded by the coordinate lines 94°00' West Longitude on the west, and 87°45' West Longitude on the east; by the three mile limit along the Gulf Coast on the north; and by the outer continental shelf on the south.

⁴ NG114: In the offshore Louisiana Gulf Coast area, the band 488-494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Service in accordance with the regulation(s) set forth in Parts 22 and 90, respectively.

⁵ See Common Carrier Docket 80-57 adopted by the Commission on October 19, 1983, released on December 19, 1983 (FCC 83-476, 49 FR 3996, January 26, 1984).

boundaries of the current allocation, are being developed by petrochemical companies.* Based upon a study by our Office of Science and Technology, we proposed technical standards, including geographical boundaries for use of each of the Channels, to provide adequate protection from harmful interference to full service broadcasting and land mobile operations.⁷ We solicited comments on the desirability of allocating some of the frequencies for private use, as is currently the case in the existing ORS allocation. We also asked for comments on whether there is a need to provide a protection standard to prevent intermodulation interference between land mobile stations operating on frequencies within television Channel 17 in the vicinity of Houston, Texas, and ORS stations operating on frequencies within television Channel 16.

Comments

ORS Spectrum Needs

6. AMST opposed the reallocation of television Channels 15 and 16 for ORS in the Gulf of Mexico. It claimed, as it had in its comments to the petitions, that there has been no demonstration of need to warrant increasing the spectrum allocated to ORS. It further argued that any additional ORS communication requirements should be met by alternative means such as satellite operations or by making better use of current allocations with advanced technologies such as trunking, cellular or amplitude companded side band.

7. OTC, API, GE and LA County all supported the proposal to allocate additional spectrum for ORS use. OTC and API argued that the allocation is needed for two reasons. First, the current spectrum allocation, which is limited geographically to Zone A, is no longer able to meet the current ORS requirements within that Zone. Second, the allocation is needed to meet the radio communications requirements in the new areas in the Gulf of Mexico,

which are outside the area covered by the current ORS allocation (Zone A), that are being explored by the petrochemical companies. These new areas for exploration were created by the Department of The Interior's new leasing program, which has vastly expanded the total area offered for lease to explore and develop petrochemicals in the Gulf of Mexico. In its comments, OTC also addressed the possibility of using satellite systems to meet the additional ORS requirements. It argued that satellite channels would be both expensive and spectrum inefficient. It claimed that off the shelf equipment for each terrestrial duplex single voice/data telephone circuit would cost \$7,000 while a satellite channel would cost about \$8,000 per month. It also noted that most satellite systems are designed for wideband communications while most ORS operations require only one or two channels per platform and, therefore, satellite systems would not be a very spectrum efficient way of meeting the ORS requirements. API also addressed the issue of using new technologies to meet future ORS requirements. It argued that it supports the use of new technologies and, in fact, is on the forefront of employing new technologies but that new technologies alone would not be enough to satisfy the offshore communications requirements.

Reallocation of Television Channels 15 and 16

8. OTC, API and GE supported the Notice's proposed reallocation of Channels 15 and 16. OTC argued that these Channels are unused, and never will be used, in the Gulf of Mexico for broadcasting and that this spectrum will simply be wasted if it is not reallocated for some purpose other than broadcasting. It also argued that these Channels may be used by ORS while providing full protection to full service broadcasting and land mobile operations. OTC further argued that these bands are desirable for ORS operations, as off the shelf equipment is available and the propagation characteristics of the frequencies in these Channels are very desirable for ORS operations. GE also supported this reallocation, claiming that it would be an efficient use of the spectrum. It supported its claim by noting that geographical sharing of the UHF television spectrum is tried and proven. Specifically, it noted the reallocation of television Channel 17 for ORS operations has resulted in greater use of the spectrum without causing any interference to broadcasting or land mobile operations.

9. AMST, however, opposed the reallocation of television Channels 15 and 16. It was particularly concerned about possible interference from ORS operations to a proposed broadcasting operation on Channel 15 at Laredo, Texas. It was also concerned that ORS operations may pre-empt possible low power operations on Channel 15 in four Texas cities, Brownsville, Harlingen, Beaumont and Port Arthur. In response, both OTC and API argued that the proposed technical standards provide full protection to full service UHF TV broadcasting operations by requiring a 150 mile separation between the ORS station and a co-channel full service UHF broadcast station. OTC filed an engineering study with regard to protecting a proposed UHF Channel 15 broadcasting station at Laredo, Texas. It stated that only about 30 square miles, within 17 miles of the coast, of ORS Zone C would be affected. It noted that this was a very small portion of the ORS areas and did not consider this to be a significant loss to ORS, as very few ORS stations operate near the shore line. It did note, however, that if and when UHF TV Channel 15 operation starts at Laredo, any ORS station in the affected area would be required to discontinue operations. API argued that with regard to low power broadcast use of Channel 15, the Commission should not be inhibited from providing for present communication requirements by providing protection from potential interference to potential stations. It argued that the Commission should adopt technical parameters to protect these stations only if and when they are authorized.

10. LA County, which supported a reallocation to ORS, requested that the reallocation be made in the spectrum above television Channel 20. It argued that this would eliminate all possible interference to possible future land mobile operations on television Channels 14 through 20 and would not set a precedent of using these frequencies for ORS in other parts of the country, such as southern California. It also requested that if an allocation is made to ORS on television Channels 15 and 16 as proposed, then the ORS service should be required to operate on a secondary basis to any future land mobile operations. In its reply comments, OTC responded to LA County's comments by arguing that LA County's comments add little to this proceeding as they are based on pure speculation, specifically that the Commission will reallocate these Channels for land mobile use.

* Expansion of Channel 17 is not feasible due to cochannel land mobile operations in Houston.

⁷ ORS operations on television Channel 17, 468-494 MHz, will be restricted to current ORS zone, Zone A, (see footnote 3). Operations on television Channel 16, 482-488 MHz, will be restricted to Zone B which is bounded by the coordinates: Longitude 87° 45' on the east to longitude 95° 00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. Operations on UHF TV Channel 15, 476-482 MHz, will be restricted to Zone C which is bounded by the coordinates: Longitude 94° 00' on the east, the 3-mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26° 00' on the south, and the limits of the outer continental shelf on the southeast.

Allocation for Private Use

11. In response to our solicitation regarding allocating a portion of Channels 15 and 16 for private use, extensive comments were filed by OTC and API. OTC was opposed to private use of the frequencies, claiming that a comprehensive common carrier system is necessary to serve such a vast area. It argued that private operators would have problems obtaining necessary relay rights-of-way from other offshore operators, that there are economies of scale in using a common carrier system (especially for sites located far from the mainland) and that a common carrier system would permit more efficient utilization of the spectrum. It also argued that private users could obtain frequencies allocated to other private services by requesting waivers of the Commission's Rules, while common carriers could not. Further, in its reply comments OTC claimed that the private users had not demonstrated a need for an additional allocation. OTC went on to request that if an additional allocation were made for private use, it should be restricted to one or two megahertz. API, on the other hand, supported "spinning off" some of the spectrum for private use and requested that three megahertz per Channel be allocated for private use. It argued that users should be provided with an option of choosing between a private and a public system to meet their communication requirements in the expanded areas available for petrochemical development in the Gulf of Mexico. It claimed that common carrier facilities do not reach all areas of the Gulf. Further, it argued that private systems are particularly necessary when exploring new areas where common carrier service has not yet been initiated and where only limited requirements exist. It also claimed that when new areas are being explored, it is necessary to have secured communication facilities, which often may only be accomplished by private systems. It also argued that the existing allocation for private frequencies on Channel 17 has been extensively used and is of inestimable value to oil and gas industry licensees and that the new frequencies would be equally valuable.

Intermodulation Interference

12. In response to our solicitation regarding the likelihood of intermodulation interference between land mobile stations operating on frequencies within television Channel 17 and ORS operations on television Channel 16, we received comments from OTC. OTC noted that it is

mathematically possible for intermodulation products to occur, but they are only likely to be harmful if the transmitters are located close to one another. However, it did propose that we adopt the same standards that were proposed in the Notice to avoid intermodulation interference between stations within an ORS zone. OTC proposed the following paragraph be added to § 22.1001:

Section 22.1001(e)(3). Where the proposed transmitting site is located west of longitude 90° 40' W, and is within 32.2 km (20 miles) of the shoreline, and proposes use of the frequencies set forth in Section 22.1001(b), the applicant shall submit a showing that no third-order intermodulation interference would be caused to any base station or mobile operation using the frequencies between 483 and 494 MHz.

Interstitial Frequencies

13. Both OTC and API supported the proposal to permit interstitial channel assignments, which are channels offset by 12.5 kHz from the existing channels, in the current ORS allocation. There were no comments opposing this proposal. API, however, did request that the Commission modify its proposal in order to allow interstitial frequency use within TV Channels 15 and 16 as well. OTC opposed this, arguing that interstitial usage in these new bands could reduce, rather than expand, spectrum use, as there would be a tendency to design primary channel operations around existing interstitial operations instead of the other way around. Therefore, it suggested that allowing interstitial assignments might better be considered after there is greater use of the primary channels.

Discussion

14. Our proposal in the Notice that additional spectrum is needed to meet current and future ORS communications requirements in the Gulf of Mexico, due to expanded areas of petrochemical development in the Gulf of Mexico and frequency congestion in the existing ORS band, was supported by OTC, API, LA County and GE. Further we believe, as stated in the Notice and supported by OTC and API, that UHF Television Channels 15 and 16 are appropriate choices for reallocation for the following reasons: (A) These frequencies will remain unused in the Gulf of Mexico unless they are reallocated; (B) there is equipment available at these frequencies that can provide reliable communications at a reasonable cost; (C) ORS stations will be able to use these frequencies restricted by the geographical boundaries proposed in the Notice without causing interference to

full service broadcasting stations or land mobile operations in the Gulf area; (D) these frequencies will meet the ORS communications requirements as well as provide an alternative to other technologies, such as cellular and satellite operations,* which may be able to meet some, but not all of the offshore telecommunications requirements in the Gulf; and (E) the reallocation will have only minimal impact on low power television operations. We believe that the protection standard for ORS based on our studies and proposed in the Notice, in particular the geographical boundaries placed on the use of each channel, will have little impact on low power broadcasting operations on Channels 15 and 16, as only a few sparsely populated areas will be affected. With regard to AMST concern regarding the four Texas cities, which it claimed would lose potential low-power television authorizations for Channel 15, our research into the matter revealed that no applications have been filed with the Commission for low power broadcasting authorization on Channel 15 in any of the four cities. Further, two of the cities, Brownsville and Harlingen, will be unable to use Channel 15 in any event due to cochannel full service broadcast operations in Mexico. Two other cities, Beaumont and Port Arthur, have a number of requests for low power operations on other Channels in their immediate areas. Therefore, we see little impact to the four cities cited by AMST just as we see little impact on the rest of the Coastal area from ORS operations on either Channel 15 or 16.

15. ORS operations must protect full service UHF TV stations. Full service UHF TV stations may modify their technical parameters and/or transmitter locations, in accordance with Part 73 of the Commission's Rules. If such modifications by the broadcast stations reduce the distance to any ORS or private land mobile stations in the Gulf to a separation less than those specified in Tables D and E of § 22.1001(d) or Table 1 of § 90.315(d) or the provisions of § 90.315(g), then ORS and private land mobile stations will be required to adjust their operations to correspond to those rules. To smooth this process, we are requiring UHF TV licensees on Channels 14, 15, 16, 17, and 18 applying for a change in transmitter site that would result in a mileage separation less than that specified in the attached rules (i.e., 210 miles-cochannel, 80 miles-

* The Commission has accepted for filing applications for cellular systems in the Gulf [see File No. 29000-CL-P-83 adopted September 22, 1983, released October 7, 1983, FCC 83-434].

adjacent channel) to serve notice to those affected ORS and Private Land Mobile licensees using Channel 15, 16, and 17 frequencies at the same time the application for change is submitted to the Commission. We believe this is necessary because a change to a UHF TV station's transmitter site within the station's area of service is now considered a minor change by the Commission.⁹

16. We disagree with LA County's comments that the reallocation should be made above television Channel 20 to provide for possible future land mobile operations. We believe, as stated above and in the Notice, that Channels 15 and 16 provide the optimum allocation for ORS because they will be economically viable and will have minimal impact on existing and planned services. Further, we do not agree that ORS should now be made secondary to any future land mobile operation. Such a regulation should be considered for adoption only when and if a land mobile allocation is made so that all aspects of the issue may be considered.

17. We agree with API that there is a need to provide an allocation for private users in this new allocation, particularly since the new allocation covers additional area in the Gulf of Mexico, which is not covered by the current private allocation at Channel 17. However, it appears to us, from usage in the current allocation, that the allocation scheme of the current ORS frequencies, 4 MHz for common carrier use and 2 MHz for private use, would best meet the expanding communication requirements for both common carrier and private systems in the Gulf of Mexico. Therefore, we are modifying footnote NG114 of § 2.106 of the Rules, from the text proposed in the Notice, to read as follows:

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 476-494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in Parts 22 and 90 respectively.

We are also modifying Parts 22 and 90 as set forth in the Appendix, attached

hereto, to reflect this allocation for private use. The technical standards adopted for Part 90 will be the same as those proposed for Part 22 in the Notice and adopted herein.

18. With regard to OTC comments on intermodulation interference between land-based mobile stations operating on Channel 17 frequencies and ORS operation on Channel 16 frequencies, we agree that the protection criteria proposed in the Notice to avoid interference between stations within an ORS zone would also provide adequate protection between land-based mobile and ORS stations. Therefore, we will adopt the suggestion of OTC and will require that certain Parts 22 and 90 applicants for Channel 16 frequencies submit a showing that no third order intermodulation interference will be caused to existing base or mobile operations on Channel 17 frequencies.

19. With regard to authorization of interstitial frequencies, we agree with OTC that authorization of interstitial channels in the new ORS allocations, even though they would be secondary to the primary channel operations, could cause irregular growth in the primary channels. This could preclude use of some of the primary channels, thus reducing the spectrum efficiency of the new ORS allocation. Therefore, we will adopt usage of interstitial frequencies only in the existing ORS allocation at Channel 17, where there is already substantial usage of the primary channels. We are adopting use of interstitial frequencies for Part 22 as proposed in the Notice and also are adding rules to Part 90 as suggested by the commenters, that will allow interstitial frequency usage for private operations in the current allocation. We are applying the same geographical limitations for the Part 90 interstitial operations as we are applying for Part 22 interstitial operations.

Other Matters

20. In its comments, OTC suggested that we had inadvertently left out frequency pairs 489.325/492.325 MHz and 489.375/492.375 MHz from § 22.1001(a) in Appendix B in the Notice. OTC also suggested that the frequency pairs 488.925/491.925 and 488.975/491.975 MHz should be deleted to preserve a guard band around the auto-alarm channel at 488.950/491.950 MHz. We have made the appropriate modifications to the frequency list in § 22.1001(a) to include OTC corrections.

Administrative

21. Regulatory Flexibility Act Final Analysis.

I. Need for and Objective of Final Rules

The objective is to reallocate the band 476-488 MHz (television Channels 15 and 16) for Offshore Radio Service use in the Gulf of Mexico and to allow use of interstitial frequencies in the current ORS allocation (television Channel 17, 488-496 MHz). This will satisfy the expanded communication requirements of petrochemical companies operating in the Gulf of Mexico.

II. Summary of Issues Raised by Public Comments

There were no comments filed addressing the matters discussed in the initial regulatory flexibility analysis.

III. Alternative to the Rule

It does not appear that there are any significant alternatives to the adopted rules, other than those addressed and rejected in this order, that would accomplish the stated objectives.

22. Accordingly, it is ordered, That pursuant to the authority found in sections 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154 (i), 301, 303(r)), Parts 2, 22, 74 and 90 of the Commission's Rules and Regulations is amended as specified in the Appendix. These amendments become effective April 26, 1985.

23. Further, it is ordered, That any UHF TV licensee using Channel 14, 15, 16, 17, or 18 filing an application to change transmitter site that would result in a mileage separation less than 210 miles (cochannel) or 80 miles (adjacent channel) from any ORS Zone as described in the attached rules (see § 22.1001(a), (b) and (c)) shall serve notice to those ORS and Private Land Mobile licensees operating on Channels 15, 16, and 17 frequencies in the applicable zone. Names and addresses of affected ORS licensees may be obtained from the Commission's Common Carrier Bureau and names and addresses of affected Private Land Mobile Radio Service licensees may be obtained from the Commission's Private Radio Bureau.

24. The Secretary shall cause a copy of this Report and Order to be served to all affected UHF TV licensees.

25. It is further ordered, That this proceeding is terminated.

⁹ The Report and Order in MM Docket No. 83-1377, 49 FR 32586, August 15, 1984, redefined minor changes to UHF TV stations to include a change of transmitter site within a station's area of service. Minor changes do not require or receive a 30 day comment period after being placed on public notice before such changes may be approved. ORS licensees, of course, may file informal comments relating to such modification and the Commission has the discretion to consider those comments in determining whether to grant the change.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

William J. Tricarico,
Secretary.

Appendix

Parts 2, 22, 74 and 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

A. Section 2.106 is amended by revising the text of footnote NG114 at the list of footnotes following the Table of Frequency Allocation.

§ 2.106 Table of frequency allocations.

NG114 In the Gulf of Mexico offshore from the Louisiana-Texas coast, the frequency band 478–494 MHz (TV channels 15, 16 and 17) is allocated to the Domestic Public and Private Land Mobile Radio Services in accordance with the regulations set forth in Parts 22 and 90 respectively.

PART 22—PUBLIC MOBILE RADIO SERVICES

B. Section 22.1001 is revised as follows:

§ 22.1001 Frequencies.

(a) On a shared basis with television broadcasting Channel 17, the following frequencies are for assignment to stations of communication common carriers in the Zone specified in Table A of this paragraph together with the classes of station(s) to which they are normally assigned and the specific limitations which are enumerated in the explanatory notes:

Offshore central station frequencies (megahertz)	Offshore subscriber frequencies (megahertz)	Limitations
488.025	491.025	(1)
488.050	491.050	(1)
488.075	491.075	(1)
488.100	491.100	(1)
488.125	491.125	(1)
488.150	491.150	(1)
488.175	491.175	(1)
488.200	491.200	(1)
488.225	491.225	(1)
488.250	491.250	(1)
488.275	491.275	(1)
488.300	491.300	(1)
488.325	491.325	(1)
488.350	491.350	(1)
488.375	491.375	(1)
488.400	491.400	(1)
488.425	491.425	(1)
488.450	491.450	(1)
488.475	491.475	(1)
488.500	491.500	(1)
488.525	491.525	(1)
488.550	491.550	(1)
488.575	491.575	(1)
488.600	491.600	(1)
488.625	491.625	(1)

Offshore central station frequencies (megahertz)	Offshore subscriber frequencies (megahertz)	Limitations
488.650	491.650	(1)
488.675	491.675	(1)
488.700	491.700	(1)
488.725	491.725	(1)
488.750	491.750	(1)
488.775	491.775	(1)
488.800	491.800	(1)
488.825	491.825	(1)
488.850	491.850	(1)
488.875	491.875	(1)
488.900	491.900	(1)
488.950	491.950	(1)
489.000	492.000	(1)
489.025	492.025	(1)
489.050	492.050	(1)
489.075	492.075	(1)
489.100	492.100	(1)
489.125	492.125	(1)
489.150	492.150	(1)
489.175	492.175	(1)
489.200	492.200	(1)
489.225	492.225	(1)
489.250	492.250	(1)
489.275	492.275	(1)
489.300	492.300	(1)
489.325	492.325	(1)
489.350	492.350	(1)
489.375	492.375	(1)
489.400	492.400	(1)
489.425	492.425	(1)
489.450	492.450	(1)
489.475	492.475	(1)
489.500	492.500	(1)
489.525	492.525	(1)
489.550	492.550	(1)
489.575	492.575	(1)
489.600	492.600	(1)
489.625	492.625	(1)
489.650	492.650	(1)
489.675	492.675	(1)
489.700	492.700	(1)
489.725	492.725	(1)
489.750	492.750	(1)
489.775	492.775	(1)
489.800	492.800	(1)
489.825	492.825	(1)
489.850	492.850	(1)
489.875	492.875	(1)
489.900	492.900	(1)
489.925	492.925	(1)
489.950	492.950	(1)
489.975	492.975	(1)
490.000	493.000	(1)

¹ These frequencies will be assigned for voice grade general communications.

² These frequencies may be assigned for private line service.

³ These frequencies are available for emergency communications involving protection of life and property.

⁴ These frequencies may be assigned to radio relay stations upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

⁵ These frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

⁶ These frequencies may be used for emergency shut-off remote control telemetry, environmental Data Acquisition and Dissemination, or facsimile transmissions.

TABLE A.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore	Boundaries of zone	Frequencies (megahertz)
Southern Louisiana (Zone A)	From long. 87°45' on the east to long. 94°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 17, 488–490, 491–493.

(b) On a shared basis with television broadcasting Channel 16, the following frequencies are for assignment to

stations of communication common carriers in the zone specified in Table B of this paragraph together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)	Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)
488.025	489.025	488.025	489.025
488.050	489.050	488.050	489.050
488.075	489.075	488.075	489.075
488.100	489.100	488.100	489.100
488.125	489.125	488.125	489.125
488.150	489.150	488.150	489.150
488.175	489.175	488.175	489.175
488.200	489.200	488.200	489.200
488.225	489.225	488.225	489.225
488.250	489.250	488.250	489.250
488.275	489.275	488.275	489.275
488.300	489.300	488.300	489.300
488.325	489.325	488.325	489.325
488.350	489.350	488.350	489.350
488.375	489.375	488.375	489.375
488.400	489.400	488.400	489.400
488.425	489.425	488.425	489.425
488.450	489.450	488.450	489.450
488.475	489.475	488.475	489.475
488.500	489.500	488.500	489.500
488.525	489.525	488.525	489.525
488.550	489.550	488.550	489.550
488.575	489.575	488.575	489.575
488.600	489.600	488.600	489.600
488.625	489.625	488.625	489.625
488.650	489.650	488.650	489.650
488.675	489.675	488.675	489.675
488.700	489.700	488.700	489.700
488.725	489.725	488.725	489.725
488.750	489.750	488.750	489.750
488.775	489.775	488.775	489.775
488.800	489.800	488.800	489.800
488.825	489.825	488.825	489.825
488.850	489.850	488.850	489.850
488.875	489.875	488.875	489.875
488.900	489.900	488.900	489.900
488.925	489.925	488.925	489.925
488.950	489.950	488.950	489.950
488.975	489.975	488.975	489.975
489.000	490.000	489.000	490.000

TABLE B.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Louisiana-Texas (Zone B)	From longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 16, 488–489, 489–491.

(c) On a shared basis with TV broadcast Channel 15, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table C of this paragraph together with the classes of station(s) to which they are normally assigned. These frequencies will be assigned for voice grade general communications and may be assigned for private line service.

Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)	Offshore central station frequencies (megahertz)	Offshore subscriber station frequencies (megahertz)
476.025	479.025	477.075	480.075
476.050	479.050	477.100	480.100
476.075	479.075	477.125	480.125
476.100	479.100	477.150	480.150
476.125	479.125	477.175	480.175
476.150	479.150	477.200	480.200
476.175	479.175	477.225	480.225
476.200	479.200	477.250	480.250
476.225	479.225	477.275	480.275
476.250	479.250	477.300	480.300
476.275	479.275	477.325	480.325
476.300	479.300	477.350	480.350
476.325	479.325	477.375	480.375
476.350	479.350	477.400	480.400
476.375	479.375	477.425	480.425
476.400	479.400	477.450	480.450
476.425	479.425	477.475	480.475
476.450	479.450	477.500	480.500
476.475	479.475	477.525	480.525
476.500	479.500	477.550	480.550
476.525	479.525	477.575	480.575
476.550	479.550	477.600	480.600
476.575	479.575	477.625	480.625
476.600	479.600	477.650	480.650
476.625	479.625	477.675	480.675
476.650	479.650	477.700	480.700
476.675	479.675	477.725	480.725
476.700	479.700	477.750	480.750
476.725	479.725	477.775	480.775
476.750	479.750	477.800	480.800
476.775	479.775	477.825	480.825
476.800	479.800	477.850	480.850
476.825	479.825	477.875	480.875
476.850	479.850	477.900	480.900
476.875	479.875	477.925	480.925
476.900	479.900	477.950	480.950
* 476.950	* 479.950	477.975	480.975
477.000	480.000		
477.025	480.025		

* Superscript (1) indicates frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

TABLE C.—FREQUENCY AVAILABILITY FOR OFFSHORE RADIO SERVICE USE

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Texas 15 (Zone C)	Longitude 94°00' on the east, the 3 mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, Latitude 26°00' on the south, and the limits of the outer continental shelf on the south-east.	Channel 476-478, 479-481.

(d) All frequencies listed in this section are subject to the following conditions:

(1) No fixed or temporary-fixed stations shall be located and no mobile stations shall be operated outside the limits of the respective Zones specified in Tables A, B, and C of this section.

(2) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to co-channel full service television stations in accordance with the values set out in Table D of this paragraph (d). In using Table D of this paragraph (d), the maximum permissible effective radiated power is determined as follows:

(i) Using the method specified in

§ 73.611, determine the distance between the proposed station and the protected co-channel television station. If the exact mileage does not appear in Table D of this paragraph (d), the next lower mileage separation figure is to be used.

(ii) Enter the table at the mileage figure found in paragraph (d)(2)(i) of this section. Opposite this mileage figure, ERPs are given that may be used for antenna heights of 100, 150 or 200 feet above sea level. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(iii) If the power found to be permitted following this procedure is lower than that determined hereafter from Table E of this paragraph (d), this lower figure is the maximum power that may be employed at the proposed station.

(3) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to adjacent channel full service television stations in accordance with the values set out in Table E of this paragraph (d).

(4) No airborne subscriber station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level. Airborne subscriber stations using Channel 17 frequencies shall not be operated outside the limits of the Zone specified in Table A of this section. Further, to provide adjacent channel protection to TV Channel 18, these stations shall not operate within a 128.8 km (80 mile) radial distance to Lakes Charles, Louisiana. Airborne subscriber stations using Channel 16 frequencies shall not be operated outside the limits of the Zone specified in Table B of this section. Further, to provide adjacent channel protection to TV Channel 15, these stations shall not operate within an 80 mile radial distance to Lafayette, Louisiana.

Airborne subscriber stations using Channel 15 frequencies shall not be operated outside the limits of the Zone specified in Table C of this section. Further, to provide adjacent channel protection to TV Channels 14 and 16, these stations shall not operate within an 80 mile radial distance of either Corpus Christi or Houston, Texas.

(5) Antenna heights in excess of 61 meters (200 feet) above mean sea level will not be authorized, except that surface mobile stations will be limited to a height of 30 feet above the waterline.

(6) Mobile stations shall not operate with an effective radiated power in excess of 25 watts within 32.2 km (20 miles) of the 3 mile limit. In all other

Zones, the effective radiated power shall not exceed 100 watts.

(7) On its regularly assigned frequency, an offshore central station may be used to perform the added functions of a repeater station when means are provided whereby the licensee of the radio system is able to turn the station on and off at will irrespective of the transmissions of subscriber units on the mobile frequency associated therewith.

TABLE D.—PROTECTION OF CO-CHANNEL FULL SERVICE TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO SERVICE—MAXIMUM EFFECTIVE RADIATED POWER (WATTS) (65dB protection)

Distance from ORTS transmitter to TV station on the same channel (miles)	Antenna height above sea level		
	100 ft (watts)	150 ft (watts)	200 ft (watts)
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	180	110	100
165	95	80	70
160	85	55	50
155	50	40	35
150	35	30	25

Note.—No ORS station shall operate less than 241.4 km (150 miles) from any full service co-channel TV station.

TABLE E.—PROTECTION OF ADJACENT FULL SERVICE CHANNEL TELEVISION STATIONS BY STATIONS IN THE OFFSHORE RADIO SERVICE (10 dB protection)

Distance beyond the 3-mile (4.8-km) limit (miles)	Antenna height above sea level	
	100 ft (30.5 meters) (watts)	200 ft (61 meters) (watts)
4	25	6
5	40	10
6	65	15
7	100	25
8	150	35
9	215	50
10	295	70
11	400	100
12	530	130
13	685	170
14	870	215
15	1,000	270
16	1,000	415
17	1,000	505
18	1,000	610
19	1,000	730
20	1,000	865
21	1,000	1,000

Note.—Table E of this paragraph (d) applies only within an 128.8 km (80 mile) radial distance of full service adjacent channel TV stations.

(e) A new ORS station may be permitted upon a showing of compliance with the following provisions:

(1) That the applicant has notified all licensees and permittees of ORS stations located within 321.8 km (200 miles) of the proposed station of the proposal giving them the following data at least thirty days before filing the application:

(i) The name, business address, frequency coordinator, and telephone number of the applicant.

(ii) The location by coordinate of the proposed station.

(iii) The frequency and type of emission proposed.

(iv) The height and type of antenna proposed.

(v) The bearing of the main lobe.

(vi) The effective radiated power proposed.

(2) That the proposed station protects the primary ORS channels by compliance with the following separations:

(i) Co-channel to a distance of 241.4 km (150 miles).

(ii) When offset (interstitial) channels are used, adjacent channels (± 12.5 kHz) to a distance of 80.5 km (50 miles).

(iii) Third order intermodulation channels plus or minus 12.5 kHz to a distance of 32.2 km (20 miles).

(3) Where the proposed transmitting site is located west of longitude 93°40'W, and is within 32.2 km (20 miles) of the shoreline, and proposes use of the frequencies set forth in § 22.1001(b), the applicant shall submit a showing that no third-order intermodulation interference would be caused to any base station or mobile operation using the frequencies between 488 and 494 MHz.

(f) Upon a showing of compliance with the following additional limitations an ORS station may be permitted using interstitial frequencies (12.5 kHz offset) in Zone A (Table A of this section) using TV Channel 17 frequencies (488-490 and 491-493 MHz):

(1) That the station will be located east of 92 degrees West Longitude in the Southern Louisiana ORS zone (Zone A).

(2) That utilization of this channel is secondary to the utilization of any primary ORS channel set forth in paragraph (a) of this section.

(3) That the station be utilized for voice grade general communications or to provide for private line service (see limitations 1 and 2 to the list of frequencies in paragraph (a) of this section).

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

C. In § 74.709, paragraph (e) is revised to read as follows:

§ 74.709 Land Mobile station protection.

(e) To protect stations in the Offshore Radio Service, a low power TV or TV translator station construction permit application will not be accepted if it specifies operation on channels 15, 16, 17 or 18 in the following areas. West Longitude and North Latitude are abbreviated as W.L. and N.L. respectively.

(1) On Channel 15: west of 92°00' W.L.; east of 98°30' W.L.; and south of a line extending due west from 30°30' N.L., 92°00' W.L. to 30°30' N.L., 96°00' W.L.; and then due southwest to 28°00' N.L., 98°30' W.L.

(2) On Channel 16: west of 86°40' W.L.; east of 96°30' W.L.; and south of a line extending due west from 31°00' N.L., 86°40' W.L. to 31°00' N.L., 95°00' W.L.; and then due southwest to 29°30' N.L., 96°30' W.L.

(3) On Channel 17: west of 86°30' W.L.; east of 96°00' W.L.; and south of a line extending due west from 31°00' N.L., 86°30' W.L. to 31°30' N.L., 94°00' W.L.; and then due southwest to 29°30' N.L., 96°00' W.L.

(4) On Channel 18: west of 87°00' W.L.; east of 95°00' W.L.; and south of 31°00' N.L.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

D. Section 90.315 is revised in its entirety as follows:

§ 90.315 Special provisions governing use of frequencies in the 476-494 MHz band (TV Channels 15, 16, and 17) in the Southern Louisiana-Texas Offshore Zone.

(a) The frequency bands from 490-491 and 493-494 MHz will be available for assignment to stations governed by this part within Zone A. The boundaries of Zone A are from longitude 87°45' on the east to longitude 94°00' on the west, and from the three mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. The frequency bands from 484-485 and 476-488 MHz will be available for assignment to stations governed by this part within Zone B. The boundaries of Zone B are from longitude 87°45' on the east to longitude 95°00' on the west and from the 3-mile limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south. The

frequency bands from 478-479 and 481-482 MHz will be available for assignment to stations governed by this part within Zone C. The boundaries of Zone C are from longitude 94°00' on the east, the 3-mile limit on the north and west, a 175 mile radius from the reference point at Linares, N.L., Mexico on the southwest, latitude 26°00' on the south, and the limits of the Outer Continental Shelf on the southeast. These frequencies may also be assigned to fixed stations located on shore designed to provide communications service within the zone.

(b) Offshore base/mobile, and offshore and shore fixed stations may be authorized.

(c) F2, F3, F4, F9, and A2, A3, A4, and A9 emissions may be authorized.

(d) Offshore stations shall afford cochannel protection to TV stations on Channels 15, 16 and 17. Station operating parameters shall be in accordance with the values given in Table 1 of this section.

TABLE 1.—PROTECTION OF COCHANNEL TELEVISION STATIONS BY OFFSHORE STATIONS OPERATING IN THE SOUTHERN LOUISIANA-Texas OFFSHORE ZONE (65 dB PROTECTION); MAXIMUM EFFECTIVE RADIATED POWER (IN WATTS)

Distance from transmitter to cochannel TV station (miles)	Antenna height above sea level (feet)		
	100	150	200
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	130	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

Note.—To determine the maximum permissible effective radiated power:

(1) As specified in § 73.611 determine the distance between the proposed station and the cochannel television station. If the exact mileage does not appear in Table 1 of this section, the next lower mileage separation is to be used.

(2) Opposite this mileage figure ERPs are given that may be used for antenna heights of 100, 150, or 200 ft. ASL. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(e) Shore stations communicating point-to-point with offshore stations will be permitted at least the same ERP as the offshore station, but only in the direction of the offshore station. A directional antenna shall be used and the rearward radiated power from the

antenna in a sector $\pm 22\frac{1}{2}^\circ$ from the line joining the shore antenna to the cochannel television station shall not exceed those shown in Table 2 of this section.

TABLE 2.—MAXIMUM REARWARD EFFECTIVE RADIATED POWER ALLOWED FOR SHORE STATIONS; REARWARD EFFECTIVE RADIATED POWER (IN WATTS) FROM SHORE ANTENNA IN A SECTOR $\pm 22\frac{1}{2}^\circ$ FROM THE LINE JOINING THE SHORE ANTENNA TO THE COCHANNEL TELEVISION STATION

Distance from transmitter to cochannel television station	Antenna height above ground (feet)					
	100	150	200	300	500	750
185.....	320	280	240	190	125	90
180.....	250	210	175	125	100	60
175.....	175	150	130	100	70	50
170.....	130	110	100	75	40	35
165.....	95	82	70	50	35	25
160.....	65	55	50	40	25	20
155.....	50	40	35	30	20	15
150.....	35	30	25	20	15	10
145.....	25	20	18	15	10	7
140.....	18	15	13	10	7	5
135.....	13	10	9	7	5	3
130.....	10	8	6	5	3	2
125.....	7	6	5	4	3	2
120.....	5	4	3	3	2	1

Note.—As an example of the use of Tables 1 and 2, assume an offshore station located 180 mi from TV Channel 17 located in Bude, Miss. with an antenna height of 100 ft. Table 1 allows this station to operate with 250 W ERP. Now assume the shore station communicating with the offshore station is 30 mi from the offshore station and 150 mi from Bude, Miss. The shore station antenna height is 500 ft. above ground. The shore station will be allowed the same ERP as the offshore station (250 W) in the direction of the offshore station. Table 2 indicates that the effective radiated power in a sector $\pm 22\frac{1}{2}^\circ$ from the line joining the shore antenna to Bude, Miss. can only be 15 W. Consequently, a directional antenna must be used whose minimum front-to-back ratio over this 45° sector must be at least 12.2 dB. (250 W forward power to 15 W rearward power is a power ratio of 16.8 or 12.2 dB).

(f) To provide cochannel protection to television stations, no shore station will be allowed closer than 120 miles from the cochannel television station.

(g) To provide adjacent channel protection to television stations, no shore or offshore station shall be allowed within an 80 mile distance of the adjacent channel television station.

(h) Mobile stations shall not operate closer to shore than 4 miles beyond the three mile limit and shall not operate with an ERP in excess of 100 watts with 30 ft. maximum antenna height.

(i) Mobile stations installed in aircraft shall operate 7 miles beyond the three mile limit and shall not operate with an ERP in excess of 1 watt or at heights in excess of 1000 feet AMSL.

(j) The following frequencies are available for assignment in all services for use in the Zones as defined in paragraph (a) of this section.

PAIRED FREQUENCIES (MEGAHERTZ)

Zone	Transmit (or receive)	Receive (or transmit)
A	490.025-490.975	493.025-493.975
B	484.025-484.975	487.025-487.975
C	478.025-478.975	481.025-481.975

Only the first and last assignable frequencies are shown. Frequencies shall be assigned in pairs with 3 MHz spacing between transmit and receive frequencies. Assignable frequency pairs shall occur in increments of 25 kHz.

(k) Fixed stations operating point-to-point shall be assigned frequencies beginning with 490.025/493.025 MHz (Zone A), 484.025/487.025 MHz (Zone B) and 478.025-481.025 MHz (Zone C) and progressing upwards utilizing available frequencies toward the end of the band. Offshore base/mobile stations shall be assigned frequencies beginning at 490.975/493.975 MHz (Zone A), 484.975/478.975 MHz (Zone B) and 478.975/481.975 MHz (Zone C) and progressing downwards utilizing available frequencies toward the beginning of the band. All frequency assignments are subject to the conditions specified in § 91.173.

(l) Bandwidths other than 25 kHz may be authorized upon an adequate showing of need. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired, the bandwidth to be occupied, and justification for the request.

(m) Stations located east of 92° W longitude in the Southern Louisiana Offshore Zone may be authorized frequencies that are offset by 12.5 kHz from regularly assigned Zone A frequencies (490-491 and 493-494 MHz). Such assignments will be on a secondary, non-interference basis to primary authorized stations and shall be entitled to no protection from these stations.

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DEPARTMENT OF DEFENSE

48 CFR Parts 242 and 252

Defense Acquisition Regulatory System; Availability and Request for Comment on Overhead Cost Certifications; Interim Changes to the DoD FAR Supplement

AGENCY: Department of Defense (DoD).

ACTION: Interim rule and request for comment.

SUMMARY: The Secretary of Defense on March 12, 1985, decided that contractors will be required certify, under penalty of perjury, that all costs included in claims for overhead costs are allowable in accordance with contract requirements and the cost principle applicable to those contracts. Interim changes to DoD FAR Supplement (DFARS) Subparts 242.7 and 252.2 have been issued to require an appropriate certification and preclude contracting officers from accepting overhead cost submissions unless they have been properly certified.

EFFECTIVE DATE: March 20, 1985.

DATES: Any comments on the changes to DFARS 242.7 and 252.2 are to be submitted to the DAR Council no later than April 26, 1985.

ADDRESS: Interested parties may contact the following to obtain copies of the proposed changes and to submit comments: Defense Acquisition Regulatory Council, ATTN: Executive Secretary, OUSDRE(AM)(DARS), c/o OUSDRE(M&RS), Room 3D139, Pentagon, Washington, D.C. 20301-3062.

FOR FURTHER INFORMATION CONTACT: Charles W. Lloyd, Executive Secretary DAR Council, (202) 697-7267.

SUPPLEMENTARY INFORMATION:

Background

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

The October 1, 1984 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1984 edition of the DoD FAR Supplement made by Defense Acquisition Circulars 84-1 through 84-3.

Interested parties may submit proposed revisions to this Supplement directly to the DAR Council.

Interim Changes to 48 CFR 242 and 252

The Department of Defense has issued interim changes to the DoD FAR Supplement to assure that certain acquisition regulations regarding claims